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*Attorneys for Defendants Hybrid Promotions, LLC,
Jarrod Dogan, Gavin Dogan, Jeff Caldwell,
and Retailer Defendants*

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

THE FASHION EXCHANGE LLC,

Plaintiff,

v.

HYBRID PROMOTIONS, LLC, *et al.*,

Defendants.

No. 1:14-cv-01254 (SHS)

AMENDED NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the accompanying Declaration of Jarrod Dogan, dated March 3, 2020, the accompanying Declaration of Mark J. Rosenberg, dated March 13, 2020, together with its annexed exhibits, the accompanying Local Rule 56.1 Statement of Uncontested Material Facts in Support, dated March 13, 2020, the accompanying Memorandum of Law in Support, dated March 13, 2020, and all prior pleadings and proceedings had herein, the undersigned attorneys for Defendants Hybrid Promotions, LLC, Jarrod Dogan, Gavin Dogan, Jeff

Caldwell, and the Retailer Defendants¹ will move this Court, before the Honorable Sidney H. Stein, at the courthouse located at 500 Pearl Street, New York, New York, at a place and time to be determined by the Court, for an order pursuant to Federal Rule of Civil Procedure Rule 56, granting partial summary judgment against Plaintiff The Fashion Exchange (“TFE”): (1) in favor of Defendants Hybrid Promotions LLC (“Hybrid”), Jeff Caldwell, Jarrod Dogan, and Gavin Dogan, with respect to TFE’s claims for its actual damages (including reasonable royalty) and Hybrid’s profits and its claim for common-law unfair competition; (2) in favor of the Retailer Defendants, with respect to TFE’s claims for its actual damages (including reasonable royalty) and its claim for common-law unfair competition.

Pursuant to the February 28, 2020 Order (Dkt. No. 373) of Magistrate Judge Wang, opposition papers, if any, are to be filed with the Court on April 13, 2020 and reply papers, if any, are to be filed with the Court on April 27, 2020.

Dated: New York, New York
March 13, 2020

Respectfully submitted,

TARTER KRINSKY & DROGIN LLP

*Attorneys for Defendants Hybrid Promotions, LLC,
Jarrod Dogan, Gavin Dogan, Jeff Caldwell,
and Retailer Defendants*

By: /s/ Mark J. Rosenberg
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¹ The “Retailer Defendants” are all the active corporate defendants in this matter other than Hybrid and Sears Brands, LLC. *See* Declaration of Mark J. Rosenberg, dated March 13, 2020, at 2 n.1.